

Massachusetts Board of Registration in Medicine

A Consumer's Guide to the Complaint Process

INTRODUCTION

Sometimes, health care services can fall below a patient's expectations. As a consumer, you should know what you can do to ensure that you receive quality health care. This means knowing what to do when the care you receive is not of the quality you deserve.

Did you know that the Massachusetts Board of Medicine is a state agency that:

- licenses physicians;
- regulates physicians; and
- reviews and investigates complaints about physicians, including quality of care and competency issues?

This Guide is designed to answer some of the questions you might have about the complaint process. It is not intended to describe every circumstance or potential outcome. It is hoped that you will contact the Consumer Protection Unit when you have legitimate concerns about your physician or other physicians.

Consumer complaints are an important source of information about the competency of physicians and the quality of care they provide. Complaints also show Board officials that consumers are watching the actions the Board takes on behalf of the public.

Questions and Answers about the Complaint Process

How do I File a Complaint?

You can file a complaint against a Massachusetts physician by submitting a complaint electronically via the Online Complaint website at <http://mass.gov/massmedboard/complaints>.

A paper complaint can be submitted as well. The form can be downloaded from the Board's web site: www.mass.gov/massmedboard. You may also call the Board's Consumer Protection Unit at (781) 876-8200 and request that a complaint form be mailed to you.

If the basis of your complaint concerns acts or omissions that occurred more than six years prior to the date the complaint is filed, your complaint will not be considered unless the Complaint Committee or the Board finds "good cause."

What kind of information should I provide with my complaint?

When filling out your complaint, please be as specific as possible about what the physician did or failed to do that caused you to file the complaint, and when that occurred. Be sure to include the physician's full name as well as your contact information. You may provide any additional material you think is relevant to the complaint. Please do not send original documents, objects, tapes, CDs or X-rays.

Will the physician know I filed a complaint?

Yes, the physician will know you are the complainant.

Will my complaint be investigated?

All complaints are initially reviewed to determine if there may be a violation of law or regulation. Not all complaints will be investigated. For example, the Board does not investigate billing disputes. Often patients are unhappy with the care they have received. However a poor outcome or rude behavior does not always mean that a physician should be investigated or disciplined.

How long does the investigation take?

Typically the process takes approximately eight to ten weeks. When the determination is made that a complaint requires investigation, the complaint may be sent to the physician for a response. The physician is asked to address the issues raised in the complaint and is given thirty days to submit a response.

Depending on the nature of the complaint, some cases may be assigned to an investigative team typically comprised of an attorney and an investigator or a nurse investigator. If that

happens, you will be notified by letter that the case has been assigned. These cases often take much more time to investigate.

What happens if my complaint is not investigated?

If your complaint is not going to be investigated, you will be notified. The physician will also be notified and will receive a copy of the information you provided to the Board.

What can I expect to happen with my complaint?

After the investigation has been completed, the information is presented to the Complaint Committee. The Complaint Committee is a subcommittee of the Board, consisting of at least two Board members, one of whom is a physician.

The Complaint Committee can take various actions including closing the complaint or, closing the complaint with a letter of comment to the physician offering suggestions regarding issues raised in your complaint. Complainants and physicians are notified of the Complaint Committee's decision to close a complaint.

The Complaint Committee may make a recommendation to the full Board that the physician be disciplined.

What happens if the Complaint Committee recommends discipline?

The physician may choose to resolve the case and accept the discipline. The negotiated settlement agreement between the physician and the Board is called a Consent Order. In the Consent Order, the physician admits that she committed certain acts, that she violated the law, and that she accepts a sanction against her license.

If the physician decides to contest the allegations, there may be an administrative hearing at the Division of Administrative Law Appeals.

Will I have to testify at the hearing?

In the event of a hearing, it might be necessary for you to testify. Board staff will keep you informed throughout the process.

Is my complaint public?

After the Board concludes its investigation, certain information may be available to the public. All your personal identifiers will be withheld from any public information.

Phone: 781-876-8200

www.mass.gov/massmedboard